

• **Questions for Establishing Chemist as Qualified To Testify as to Drug Composition Based on Tests Performed by Another Chemist**

1. What is your profession?
 - a. How long have you been a chemist?
2. Where is your current place of employment?
 - a. How long have you worked there?
 - b. What is the address of your current place of employment?
 - a. Who is your current supervisor?
 - i. What is your supervisor's position title?
 - ii. Whom do you supervise?
 - c. When did you begin working at your current place of employment?
 - d. What do you do there?
 - a. How often do you perform lab tests?
 - b. How many lab tests have you performed in your career as a chemist?
 - c. How many lab reports have you authored in your career as a chemist?
 - d. How many lab reports have you read that you did not author in your career as a chemist?
 - i. What is the subject matter of your lab tests?
 - ii. How do you perform a lab test?
 - iii. What does a lab test show?
 - iv. What special skills do you possess that enable you to set up a lab test?
 - e. How often do you prepare lab reports?
 - i. Who are they given to?
 - f. How often do you review your colleagues' reports?
 - i. Who prepares them?
 - ii. How do you go about interpreting them?
 - iii. What special skills do you possess that enable you to read a lab report prepared by your colleague?
 - g. How often do you review reports prepared by chemists outside of your place of employment as part of your job?
 - i. Who prepares these reports?
 - ii. How do you go about interpreting them?
 - iii. What special skills do you possess that enable you to read a lab report prepared by a chemist outside your place of employment?
 3. Which professional organizations are you a member of?
 - a. What is the address?
 - b. What are your dates of membership?
 4. Where did you work previously to where you work now? [repeat for each prior relevant place of employment]
 - a. What is the address?
 - b. When did you begin to work there?

- c. Who was your supervisor?
 - d. What was their title?
 - e. What did you do there? [see also #2]
 - f. Why did you leave that job?
5. What is the highest level of education you have attained as a chemist?
- a. What school/college/university did you attend?
 - b. When did you begin attending that school?
 - c. When did you graduate?
 - d. What was your major/ specialty?
 - e. What honors did you receive?
 - f. What chemistry courses did you take?
 - a. Was there a lab component to these courses?
 - b. How did you set up labs for these courses?
 - i. When did you learn how to set up a lab test?
 - c. How did you prepare reports on your findings for these courses?
 - d. How often did you review other students' lab reports?
 - g. What other science classes did you take?
 - a. Was there a lab component to these courses?
 - b. How did you set up labs for these courses?
 - c. How did you prepare reports on your findings for these courses?
 - d. How did you review other students' lab reports?
 - h. What did you teach while attending school?
 - a. When did you teach? For how long?
 - b. Who were your students?
 - c. What was the nature and scope of your responsibilities?
 - i. How did you oversee labs?
 - ii. How did you grade/advise students on their labs?
 - iii. How did you grade/advise students on their lab reports?
 - d. How much time per week did you spend teaching?
6. What other degrees do you have in the field of chemistry/ science? [repeat as necessary]
- a. Where did you get that degree?
 - b. When did you begin attending that school/college/university?
 - c. When did you graduate?
 - d. What was your major/specialty?
 - e. What honors did you receive?
 - f. What courses did you take?
 - i. Was there a lab component to these courses?
 - ii. How did you set up labs for these courses?
 - iii. How did you prepare reports on your findings for these courses?
 - iv. How did you review other students' lab reports?
 - 1. How did you interpret the other students' lab reports?
 - g. What other science classes did you take?
 - i. Was there a lab component to these courses?
 - ii. How did you set up labs for these courses?
 - iii. How did you prepare reports on your findings for these courses?

- iv. How did you review other students' lab reports?
 - 1. How did you interpret the other students' lab reports?
- 7. What continuing education/ professional development have you taken in the field of chemistry?
 - a. Who offered this course/ seminar?
 - b. When did you take it?
 - c. Where was it offered?
- 8. What publications have you written or taken part in that is related to lab tests or lab test result interpretation?
- 9. How many times have you testified as an expert in drug cases?
 - a. In what courts?
- 10. What is your opinion as to the identity of the substance?¹
 - a. What is your opinion as to the composition of the substance? What is your opinion as to the quality of the substance?
 - i. How are unidentified substances analyzed in a lab test?
 - ii. What is the procedure for analyzing unidentified substances?
 - 1. How is what you believe to be this particular substance analyzed in a lab test?
 - iii. What is ultraviolet spectra photometry?
 - 1. What is your opinion as to the ultraviolet spectra photometry data/ notes regarding this substance?
 - iv. What is infrared spectra photometry?
 - 1. What is your opinion as to the infrared spectra photometry data/ notes regarding this substance?
 - b. In your opinion, what is the weight of the substance?
 - i. How did you determine the weight?
 - ii. What is the procedure for weighing unidentified substances in a lab test?
 - 1. How is this substance weighed?

¹ A prosecutor may not ask on direct examination what the expert relied upon to form his or her opinion if that source itself is would be inadmissible hearsay. Commonwealth v. Jaime, 433 Mass. 575, 577-58 (2001) (holding that the Commonwealth's expert should not have testified on direct that the source of his opinion of the defendant was out-of-court statements of people who observed the defendant on the day in question). See Commonwealth v. Markvart, 437 Mass. 331, 338 (2002) (explaining that the basis of the expert's opinion must not be elicited on direct after Jaime); Commonwealth v. Cabral, 68 Mass. App. Ct. 1103, 1104 (2007) (finding error in trial court's ruling to allow prosecution's expert to testify that the source of his opinions about whether the fire was intentionally set was others' out-of-court statements). Accord SJC Advisory Committee on Mass. Evidence Law, Massachusetts Guide to Evidence § 705 (2008); Proposed Mass. R. Evid. 705. Should the defendant raise a foundation objection, Commonwealth v. McKnickles, 434 Mass. 839, 856-57 (2001), holds that the defendant cannot insist on a foundation, and later claim a violation of Jaime.